IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1368 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DINESH HANDLOOM FACTORIES

Versus

UPENDRA M TRIVEDI, KARTA OF FAMILY OF DECEASED D P KAMDAR

Appearance:

(MR FA MEMON) for Petitioner No. 1
SERVED BY AFFIX.(N) for Petitioner No. 1
NOTICE UNSERVED for Petitioner No. 1
NOTICE NOT RECD BACK for Petitioner No. 2
MR RD DAVE for Respondent No. 1
NOTICE NOT RECD BACK for Respondent No. 1

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 28/08/2001

ORAL JUDGEMENT

1. The petitioner no.1 is a partnership firm. The

petitioner no.2 is a partner of the firm. The firm was carrying on business in the suit premises and in the cause title of the petition, the address is stated as Gadhada, District Bhavnagar where they were carrying on business and it must be taken to be the registered address for the purpose of service of notice of the proceedings under the High Court Rules. After the death of the learned counsel for the petitioner, fresh notice was issued to them but it came back unserved because the premises were locked. By order dated 03rd July, 2001, service of notice was ordered to be effected by affixing on the property in question. The notice has accordingly been served by affixing it on the premises in question. In the circumstances it must be taken to have been served on the petitioners.

2. The petitioners have not engaged any advocate. The petition is, therefore, dismissed for want of prosecution. Rule discharged. Interim relief stands vacated. Direct Service permitted.

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